Report of Public Comments

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Section I: General Overview and Next Steps

While there will be some natural smoothing as applications take different paths through objections and contention resolution processes, there will still be a requirement for some method of metering applications into the delegation process. This is due to the relatively high number of applications that may reach pre-delegation steps at essentially the same time. A metering method has not yet been determined and will need to be developed. ICANN will conduct a consultation to further develop the ideas presented in this comment forum and will later develop draft solutions for public discussion. See roadmap at
http://newgtlds.icann.org/en/announcements-and-media/announcement-17aug12-en.

Section II: Contributors

At the time this report was prepared, a total of 101 community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

ORGANIZATIONS AND GROUPS:

Name	Submitted by	Initials
Domain Ventures	Duane Higgins	DH
Internet Society of China (ISC)		
City of Amsterdam	Egbert Wolf	EW
At-Large Advisory Committee (ALAC)	Olivier MJ Crepin-Leblond	OC
Secura GMBH (Secura)	Hans Peter Oswald	HO
Asociacion puntoGAL	Manuel Vilas	MV
Combell Group NV/SA (Combell Group)	Tom De Bast	TD
Hong Kong Internet Registration Corporation Limited (HKIRC)	Henry Chan	HC
Geographical Names gTLD Applicants	Cigdem Algun, .ist, .istanbul project manager	CA
ECOM-LAC	Anthony Harris	AH
Stadt Koln	Sabine Mowes	SM

Etisalat	Amy Repp	AR
China Organizational Name Administration Center (CONAC)	Qinh Song, CEO	QS
HiChina Team		
Public Interest Registry (PIR)	Paul Diaz	PD
City of New York	Rachel Sterne, Chief Digital Officer	RS
Alibaba Group	Karen Law	KL
Valideus	Crescent Ezekwu	CE
dotSaarland GmbH (dotSaarland)	Dorothea Marx	DM
Key-Systems GmbH (Key-Systems)	Jamile Tarabay	JT
Agencia de Informatica y Communicaciones de la Comunidad de Madrid (Madrid)	Jose Moreno	JM
Minds + Machines	Antony Van Couvering, CEO	AV
Punto 2012	Aaron Grego, President	AG
PointQuebec	Normand Fortier	NF
Xerox Corporation	Rebecca Berkich	RB
FairWinds Partners, Inc. (FairWinds Partners)	Taylor Frank	TF
Donuts Inc.	Richard Tindal	RT
ECOM-LAC	Roger Francisco Castillo Cortazar	RC
New gTLD Applicant Group (NTAG)	Krista Papac	KP
Zodiac	Alan Tan	AT
Yuwei	Alan Tan	AT
CORE Internet Council of Registrars (CORE)	Amadeu Abril i Abril	AA
eco	Thomas Rickert	TR
TLDDOT GmbH (TLDDOT)	Dirk Krischenowksi	DK
City of Berlin	Dr. Richard Meng	RV
dotBerlin GmbH & Co.	Dirk Krischenowski	DK
Bayern Connect et al.	Caspar von Veltheim et al.	CV
United TLD	Dave Panos	DO
Nominet	Lesley Cowley	LC
Melbourne IT	Tony Smith	TS
DocCheck AG (DocCheck)	Philip Stadtman	PS
ARI Registry Services (ARI)	Adrian Kinderis	AK
DotHIV	Carolin Silbernagl	CS
Uniregistry Corp.	Bret Fausett	BF

INDIVIDUALS:

Name	Affiliation (if provided)	Initials
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Kristina Rosette (K. Rosette)	Covington & Burling LLP	KR
Werner Staub (W. Staub)		WS
Jean -Marie Larsen (J. Larsen)	DomainDiction	JL

Markus Stahlberg	Phenomena Group Ltd.	MS
Kelly Salter (K. Salter)		KS
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Jim Prendergast (J. Prendergast)	The Galway Strategy Group	JP
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Steve Clarke (S. Clarke)		SC
John Tziviskos (J. Tziviskos)		JT
Terry Chris Rossi (T.C. Rossi)		TR
Roman Kagan (R. Kagan)		RK
Emil Babayev (E. Babayev)		EB
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Thomas Brackey II (T. Brackey)	Freund & Brackey LLP	TB
George Minardos (G. Minardos)	Minardos Group	GM
Rubens Kuhl (R. Kuhl)		RK
Michael Palage (M. Palage)	Pharos Global, President/CEO	MP
Jerre Swann (J. Swann)		JS
Dustin Trevino (D. Trevino)	DotVegas Inc.	JT
Matthias Pfeifer (M. Pfeifer)		MP
Katrin Ohmer (K. Ohmer)		KO

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at

QUESTIONS TO BE ANSWERED BY COMMENTS AND SUMMARY OF RESPONSES

1. Should the metering or smoothing consider releasing evaluation results, and transitioning applications into the contract execution and pre-delegation testing phases, at different times?
a. How can applications be allocated to particular release times in a fair and equitable way?
b. Would this approach provide sufficient smoothing of the delegation rate?
c. Provide reasoning for selecting this approach.

TRANSPARENCY

Transparency. ICANN should employ better transparency into the status of the process. A weekly update on Initial Evaluation status, number of withdrawn applications, background checks, number of strings found not to be confusingly similar, and other useful metrics would be very helpful to the applicant community. *Donuts (18 Aug. 2012); NTAG (18 Aug. 2012); dotHIV(20 Aug. 2012)*

DELEGATION RATE

Reconsider 1,000 per year root delegation rate. It is based on outdated information--i.e., anticipated simultaneous implementation of DNSSEC, IPv6 and new gTLDs, which are no longer concurrent and two of which have been completed. The Board should consult the SSAC and RSSAC to update the recommendation. *Donuts (18 Aug. 2012); NTAG (18 Aug. 2012); M. Pfeifer (19 Aug. 2012); United TLD (19 Aug. 2012)*

Root zone impact. The ICANN Community has been advised that the effects of delegating new TLDs into the root zone will be monitored and analyzed. ICANN should seek more information on how this process is envisaged by the technical experts. How many TLDs will they allow to be delegated at first? Will there be a pause for analysis afterwards? How long might such pause be? What will be the sequence of delegations afterward? ICANN should synchronize its metering with the plans of the technical experts, if possible. *Eco (19 Aug. 2012)*; *K. Ohmer (19 Aug. 2012)*

GEOGRAPHIC DIVERSITY

It is very important to keep in mind, the enormous amount of resources put in place by all participants of the new gTLD program. Even though most of the applications have been presented by large firms or major-league investors, there are also proposals made by small companies or small communities that took major risk and effort to build a viable business plan and comply with the technical and financial requirements.
--Contracted evaluation firms should put up more resources to the task of evaluating proposals in order to shorten the evaluation time. We are talking of really big firms that are going to get paid by the hour with the participant's money.
--On the other hand, ICANN should keep promoting the geographic diversity of critical DNS infrastructure as it has been doing with the root servers, not only for technical improvement but also

for political reasons. As of today, all gTLD registries are located in developed countries only, and this reinforces the notion that ICANN only works with countries with economic power. If it is true that ICANN cannot lower the standard on technical requirements for proposals from developing countries, it is also true that it can prioritize in favor of such proposals.
ECOM-LAC (16 Aug. 2012)

We hope that any evaluation process or methodology selected by ICANN and the community will, at the very least, not disadvantage applicants from under-represented geographic regions (e.g., Africa, the Middle East, and Asia). *Etisalat (17 Aug. 2012). Punto 2012 (18 Aug. 2012)*

HiChina is supportive of ICANN's efforts to implement an equitable solution which allows for the orderly allocation of completed gTLD applications into the root. It is important to reaffirm an important aspect previously articulated by the ICANN Board regarding geographical diversity. Specifically, ICANN needs to ensure that in any final implementation there are adequate safeguards to ensure that applications from no geographic region(s) are unfairly benefitted in being placed into the root. ICANN must ensure that the allocation of these global resources is done in a manner that benefits all global stakeholders, and not just those from a specific geographic region. *HiChina Team (17 Aug. 2012).*

PROCESSING ORDER AND METHODOLOGY

<u>Bayern Connect et al. Proposal.</u> Rather than processing applications in large batches, ICANN should focus on sequencing and treat applications individually and move them to the next stage of the evaluation and delegation process as soon as is feasible.
 - Due to various bottlenecks in the process, applications will need to   be sequenced. We propose an approach of promoting a diversity of   application types by dividing the application pool into "buckets", reflecting various types of applications, using an arbitrary (but not random) mechanism to sequence applications within each bucket, and creating an initial global sequence of applications by round-robin-ing through the series of buckets.
  - Because the arbitrary approach to sequencing may not always result in the most efficient allocation of priorities, we propose that applicants may   swap slots in the overall sequence by mutual consent.
 - We believe it should still be possible for ICANN to begin delegating new gTLDs into the root in the first quarter of 2013, and that it is important for both applicants and the credibility of the program that ICANN does so.
Bayern Connect, Big Room, Celebrate Broadway, Charleston Road Registry, dotHIV, Dot Kiwi, GCCIX WLL, Latin American Telecom, London & Partners, Momentous Corp., Republican State Leadership Committee, Shubert Organization, Top Level Domain Holdings Limited, Zodiac Holdings Limited (19 Aug. 2012); dotHIV (20 Aug. 2012)

<u>Qualified support for Bayern Connect et al. proposal.</u> In addition to the consensus view of NTAG, United TLD provided input and feedback to the extensive document on sequencing and metering that was submitted by Google and other community members. We want to go on record with ICANN that we are strongly in support of the philosophy, principles and approach of that document, with just one exception. We do not agree that special categories or buckets of applicants should be created and

used to weight the sequencing order. We believe that any attempt to bucket applications, beyond the geographic distribution that ICANN initially selected for digital archery, needlessly and unfairly attempts to assign higher merit to certain types of TLDs. This is a very slippery slope, and ICANN should not be in the business of categorizing or assigning merit to applicants on any basis. *United TLD (19 Aug. 2012)*

No arbitrary metering. MarkMonitor opposes the arbitrary metering of applications. While we appreciate that processing 1930 applications represents complexities that are new to ICANN, we urge ICANN to add additional headcount or supplement staff with outside resources where necessary to ensure that bottlenecks do not ensue at any stage of the process. *MarkMonitor (15 Aug. 2012)*

Digital archery batching methodology concern. Nominet UK, applicant for geo names Dot Cymru and Dot Wales, is concerned that the batching methodology and digital archery processes do not seem to allow for linking of applications in any shape or form. There seems a real risk that Cymru and Wales will find themselves allocated to separate batches and therefore subject to separate assessments by different assessors on different timescales, even though the public and political expectation is that both Dot Cymru and Dot Wales will move forward together at the same time. It would be unacceptable to stakeholders in Wales if Dot Cymru were delegated some two years after Dot Wales or vice versa. We join calls from others in the community asking for the Board to reconsider the batching methodology. Now that the nature and spread of applications is known, it may be possible to devise a solution which removes the need for batching altogether. If this is not possible, then the batching methodology should be adapted to ensure that applications with the geographic/linguistic features that the Dot Wales/Dot Cymru applications have should receive priority and should not be split between different batches. *Nominet (19 Aug. 2012)*

The order in which ICANN reviews applications should not favor any type of applicant or business model. Random selection of applications for review should not present legal issues now, after the application window has closed. While the window was still open, random selection for batches would have given applicants an incentive to file multiple redundant applications, withdrawing all but the application that placed earliest in the random queue and creating a kind of lottery for early slots. Now that no one can file an additional application, that lottery problem is gone. Applicants who applied for multiple strings, including Uniregistry, should have the ability to prioritize their own applications for ICANN. *Uniregistry Corp. (21 Aug. 2012)*

Portfolio applicants. To increase a more balanced approach of delegating TLDs between applicants for single and multiple TLDs we propose that applications from portfolio applicants shall be to put on the same level with all other applications. For this purpose, we define portfolio applicants as entities, which have either directly or indirectly a common ownership. *K. Ohmer (19 Aug. 2013)*

Do Not Value All Applications the Same. It is highly inconsistent to value all applications the same through the batching/sequencing process. It is also unfair to single applicants, especially those without a portfolio of gTLD strings to swap slots. We are strictly against any mechanism which involves money for swapping slots. *dotBerlin (19 Aug. 2012)*

<u>No need for batching or metering; random ordering of uncontested group</u>. There is no need for batching or a metered process--as the uncontested are first, the simple process of negotiating contracts will act as the natural metering process. That process would, however, require a random ordering of the uncontested group, and have them sign a waiver that by accepting their spot in the queue to negotiate contracts, they waive their right to object in any way later, and delegation happens in the order of the signed contracts. *J. Larsen (31 July 2012)*

<u>Expedite unopposed IDN TLDs</u>. Suggest pushing through unopposed IDN TLDs to expedite international internet usage. It makes sense to reduce the overall numbers by first processing the unopposed gTLDs. These people have been waiting for years for this since before the new gTLD program was even thought about. This action will benefit the most people and businesses, ought to be easiest to implement, and will be a huge boost to the overall new gTLD program. *J. Donoghue (30 July 2012)*

<u>Priority for those who shot digital archery and IDNs from developing countries and regions</u>. ICANN should give special protection to the applicants who have already followed ICANN policy and shot digital archery, while prioritizing IDN applications from developing countries and regions that have a close relationship with local culture and language. *ISC (1 Aug. 2012); CONAC (17 Aug. 2012); CONAC (13 July 2012)*

Priority should be given in both evaluation and delegation to those who took action to execute digital archery before its formal termination by ICANN was announced, and to community-based IDNs which seek to serve the interest of the general public. Despite the smaller number of IDNs in comparison with other forms of new gTLDs, they represent the most special feature of this round of applications. Within the IDN group, community-based and public-interest-oriented gTLDs should be given further priority. *W. Rui (17 Aug. 20/12)*

ICANN should consider proposals from the Prague 44 meeting for IDN gTLD applications to be given priority during the evaluation and delegation processes. *Etisalat (17 Aug. 2012).*

<u>IDN gTLDs-- Priority, Resources and Variants Implementation</u>. Given the importance of IDNs to Internet users, ALAC calls on the ICANN Board to:
- Prioritize and expedite evaluation and processing of IDN gTLD applications in the new gTLD program;
- Ensure sufficient provision of resources for an effective global outreach and communication campaign for IDNs together with the Applicant Support program prior to subsequent new gTLD application rounds.
- Instruct the Variants Implementation Project (VIP) Team to prioritize work on IDN Variant issues relevant to the received IDN gTLD applications and to consider the applications on a case-by-case basis.

ALAC (8 Aug. 2012); J.S. Lascary (7 Aug. 2012); S. Clarke (7 Aug. 2012; J. Tzviskos (7 Aug. 2012); T.C. Rossi (7 Aug. 2012); R. Kagan (7 Aug. 2012); E. Babayev (8 Aug. 2012); D. Tricot (8 Aug. 2012); K. Taynton (8 Aug. 2012); G. Sachavirawongse (9 Aug. 2012); S. Marquardt (9 Aug. 2012); S. Ashouri (9 Aug. 2012); F. Neuhaus (10 Aug. 2012); J. Al-Shamlan (10 Aug. 2012); S. Epstein (10 Aug. 2012); T.

Greer (12 Aug. 2012)

Priority for uncontested, "public interest" applications.
A fair and equitable way to allocate release times would be to delegate applications in an order that prioritizes uncontested applications having a special public interest status such as (a) Geographical Name (and developing regions), (b) Community, or (c) IDN. Sequencing for delegation should follow a round-robin process per ICANN region.

- An ICANN region-based round-robin should be conducted with uncontested applications from single applicants and portfolio applicants who can choose one string as their preferred one, assuming this string has neither objections nor contention.
- The round-robin will be continued as long as necessary. Applications in extended evaluation, objection, contention and with GAC interaction will be added to the round-robin pool as soon as their objection and/or objection has been completed.
- This approach would not only serve the public interest and take the interests of all applicants into respect; it would also allow creating new gTLD success stories for ICANN, which are needed to reinforce public interest, trust and reliability in ICANN and are according to ICANN's mission.

Combell Group (13 Aug. 2012). R. Schwarzler (16 Aug. 2012); Geographical Names gTLD Applicants (16 & 19 Aug. 2012); Madrid (18 Aug. 2012); ECOM-LAC (18 Aug. 2012); Yuwei (19 Aug. 2012); M. Pfeifer (19 Aug. 2012); TLDDOT (19 Aug. 2012); DocCheck (20 Aug. 2012); dotBerlin (19 Aug. 2012)

Public Interest Applications. Applications that can demonstrate a public interest (geographical applications, community based applications and IDN applications) should be handled prior to more generic applications. The first mentioned type of applications can demonstrate by their nature that they serve an already clearly defined community while this is less evident for generic applications. We also think that the risk for objection or string contention is less likely for those applications than for the more generic ones. *P. DuBois (17 Aug. 2012); dotSaarland (17 Aug. 2012); D. Trevino (18 Aug. 2012)*

Priority for community-based, public interest geographic gTLDs. With great concern that we note the absence of any consideration of the public interest in this proposal. In our view, the proposal will have the effect that submissions of public interest will be processed much later than those with solely private interest. Top level domains of regional and local authorities are much more in the public eye than business TLDs or generic TLDs in social or societal structures. We therefore urge you to ensure that community-based public-interest geographic gTLD applications are evaluated in the first batch, or given the necessary priority to be approved within a year of the launch of the initial new gTLD application window on January 12, 2012. *Stadt Koln (17 Aug. 2012); City of Berlin (19 Aug. 2012)*

Priority Criteria. ICANN should ensure that by the time of GAC Advice being published, at the very least the following applications are ready to be immediately published and move into the next step (contractual execution: uncontested IDN, public-authority-backed applications (geographic names as defined by ICANN but not only those), applications coming from underrepresented areas and community-based TLDs. Negative priority would apply to applications affected by contention sets, objections, GAC Early Warnings and GAC Advice, Extended Evaluation, contract execution delays, and

failure or delay in pre-delegation testing. Such applications should reintegrate into their priority group when the delaying factor disappears. *CORE (19 Aug. 2012)*

Suggested priority of applications.
- The first batch should consider: (1) community-based; (2) geoTLDs; and (3) gTLDs that are socially significant open projects. Where there have been applications submitted with equal potential, IDNs should be given priority.
- Lowest priority and delegation in the second batch should go to: (1) "close-end" gTLDs set to service corporate needs or brands; and (2) all competing applications (Contention Sets) and those opted-out by applicants ready to postpone delegation for a year.
- Contract execution, pre-delegation testing or delegation phases should not be used to classify the applications into batches; these phases should be implemented per the description in AGB, RA and IANA procedure. From the moment of signing the Registry Agreement, the new gTLD registry should be fully ready, both organizationally and technically, to exercise its functions and interact with its customers, so it seems inappropriate to split these phases in a special way.

A. Kolesnikov (16 Aug. 2012).

Natural batching and metering process.
ICANN should allocate release times of applicants depending on utility with priority given to strings which serve the public interest. By allowing applicants to move forward in an organic manner (natural batching by type--commercial v. geo v. idn, non-disputed v. disputed, open registry v. closed) the process will flow more naturally and efficiently. Let nature do the work first. If a particular string is not in keeping with the ICANN mandate it can be altered on an individual rather than wholesale basis. *D. Trevino (18 Aug. 2012);*

There will be a natural sequencing after the publication of the results of the initial evaluation for all applications due to objections, withdrawals, GAC Advice and contentions, but also due to factors beyond ICANN's control since applicants need to return signed contracts and also apply for the delegation, which provides for additional sequencing. *eco (19 Aug. 2012); Melbourne IT (19 Aug. 2012); ARI (20 Aug. 2012)*

Should additional metering be needed, the sequence should be as follows:
--The absolute majority of eco members that have contributed to this comment are in favor of giving preference to geoTLDs, IDNs and community TLDs.
--All applicants will be sent the contracts for execution at the same time, unless their application requires an extended evaluation. Natural sequencing in contract negotiation and execution as well as applying for delegation will provide for natural sequencing.
--Afterwards, non-objected TLDs will be handled in the same manner, unless there is GAC Advice, extended evaluation or a contention.
--After that, those who opted out will be handled in the same manner, unless there is GAC Advice, extended evaluation or a contention. For cases where there is GAC Advice, an extended evaluation or a contention, the handling will occur as the cases are resolved.
eco (19 Aug. 2012)

Suggested Priority Order. Allowing gTLD contention sets to proceed when ready should effectively "meter" and "smooth" delegation. However, if the number of gTLDs ready for delegation in a given month exceeds 83 (1000/12), priority should be given to Internationalized Domain Names (IDNs), Geographic and Community gTLDs. The need for these gTLD types (those that pass evaluation) are well documented and supported by their respective communities. ICANN should also monitor the delegation of new gTLDs in the early months with an eye towards increasing the number of gTLDs delegated each month (but not exceeding 1000 in a given twelve month period). *City of New York (17 Aug. 2012)*

First batch priorities. PIR agrees with the staff assessment that "there will be some natural smoothing as applications take different paths through objections and contention resolution processes." Applications that take the optimal path (i.e., high scoring, no objections, no contention) should be considered for the first batch. PIR also believes that applications serving a public interest purpose should be a key goal of any batching prioritization process. Round robin sequencing per ICANN region could also be considered, but details of such a plan would have to be fully disclosed allowing for comments, prior to implementation. *PIR (17 Aug. 2012)*

Use Single batch following sequence of three groups for introducing new TLDs onto the routing system. (1) Linguistic, cultural, geographical and municipal applications; (2) True generic names (e.g. dot-sport, dot-family, etc); (3) Trade names (e.g. Amazon, Google) that will operate a public or a private TLD. ICANN should establish a batching process that will simply add TLDs to the root as the applications are accepted in a daily, weekly, monthly process to be determined by ICANN. *PointQuebec (18 Aug. 2012).*

ICANN should use the following priority order: applications from developing countries, IDN applications, community-based applications, geographical names applications and other standard applications. Applications with extended evaluation or contention will have to finish up their respective issues before entering the transition to delegation stage. This proposed order of priority supports ICANN's mission to bolster the Internet's development globally and to boost competition in the domain name market. ICANN should use this round to help developing countries and other languages. *Zodiac (19 Aug. 2012)*

Suggested criteria and timing. Sponsors, who fulfill certain criteria--e.g., (a) working Registry System; (b) working DNS; (c) signed contracts with ICANN; (d) signed contracts with interested ICANN Registrars, if applicable--until 1 Sept. 2012, can go live at the end of 2012. All others must wait until the end of 2013. *Secura (10 Aug. 2012)*

Round-robin of continents or countries of the applicant. One way to achieve a fair and equitable process would be to do the round-robin of either the continents or countries of the applicant--similar to the previously cancelled batching process. This way applications around the world would be considered in a well-distributed way and would benefit the world's internet users more effectively. *T.M. Mahatham (15 Aug. 2012)*

Geographical applications. Given the letter of support requirements, geographical applications are easier to evaluate and can be transferred for release in the first phase. Apart from that, ICANN can make a division between applications with objections and without objections. If there are less than 1,000 "non-objected" applications, they can all be released in 2013. *City of Amsterdam (2 Aug. 2012)*

Geographic Diversity. If the GAC determines that incorporating an element of geographic diversity in the Launch Queue prioritization is necessary to establishing equitable distribution and metering of new gTLDs, additional mechanisms can be inserted downstream per GAC recommendations. *FairWinds Partners (18 Aug. 2012)*

Round Robin-ICANN Regions and Portfolio Applicants. Applications which are not objected, contested or subject to an extended evaluation should be delegated in a round-robin mechanism using six pools -five with the ICANN regions and one with portfolio applicants. Since not all pools will have the same amount of applications, once all applications are delegated from one pool, the round-robin will skip this pool and proceed with applications from the remaining pools. As soon as an application which has been objected, contested or subject to an extended evaluation is resolved, it will be added to the respective pool. *K. Ohmer (19 Aug. 2013)*

Applicant Choice & Batching. Following initial evaluation, ICANN could configure batches for contract execution and/or pre-delegation testing, whichever is the most critical, time-consuming or risky part of the process. Approved applicants should be able to choose the batch that better suits their readiness to launch. This approach would provide for smoothing of the delegation rate and process as not all applicants are ready to launch yet. *ECOM-LAC (18 Aug. 2012)*

Query applicant timing preference. The first question to all new gTLD applicants should be "Do you want to be in the first phase of delegation into the root zone?" It is realistic to assume that, for various reasons, some applicants will want additional time after passing evaluation to finalize their domain strategy before proceeding through contract execution and pre-delegation testing. By allowing applicants to indicate whether they wish to move immediately forward or to delay next steps by a timeframe (determined by ICANN), there may be a natural selection by applicants themselves of delegation timings. *K. Salter (2 Aug. 2012)*

Recommendations for a single batch system (in order of importance):
(1) Consolidate evaluation of applications which use the same back end registry services provider (i.e., applications having identical technical plans);
(2) Allow each applicant to submit one application to go forward first (with the owners of multiple applications through different bodies being restricted to just one with everyone else);
(3) Remove from the batch all applications in contention – so there is some urgency in publishing String Contention sets;
(4) Allow applicants who are happy to wait to opt out and to be processed alongside those in Contention Sets
(5) Consolidate applications by type: it will be easier for the evaluators to focus, for example, on a sub-set of applications such as all city or closed brand registries etc.
(6) Give a financial incentive to those who are prepared to wait: e.g., refund of $25k

M. Stahlberg (2 Aug. 2012); Valideus (17 Aug. 2012)

Opt-out.
Applicants wishing to opt-out should be able to express their wish. This could be executed right after the ICANN meeting in Toronto via TAS or CSC. *M. Pfeifer (19 Aug. 2012). K. Ohmer (19 Aug. 2013)*

All applicants should be given the opportunity to opt for their TLD being delegated at a later stage. ICANN should consider offering financial incentives for those who opt out. *eco (19 Aug. 2012); Melbourne IT (19 Aug. 2012)*

Processing time variations among applications. It is possible to grant the applicants with extra time between the publication of application evaluation results and the launch of the Transition to Delegation stage to enable them to complete complementary organizational activities if necessary for the start of fully functional operations in the capacity of Registry Operator of the applied-for new gTLD. *A. Kolesnikov (16 Aug. 2012).*

Self-designated priority system. A self-designated priority system could be used to smooth out applications that are ready to transition to delegation from June/July 2013. It would be subject to ICANN defining its capacities beforehand. One way to do this would be to set out a clear target delegation number for 2013, in light of staffing limits within the legal department and IANA.
- Once results are posted in June/July ICANN could ask the approximately 579 unique applicants (out of 1179 unique string applications) to submit one priority uncontested gTLD for early transition to delegation.
- Where the applicant has applied for other gTLDs that are similar to its priority application, ICANN could then enter into contractual negotiations for these alongside negotiations for the priority application. This would maximize efficiencies in contracting without causing bottlenecks at IANA.

Valideus (17 Aug. 2012)

Two Batches.
All applications should be classified into two batches with a 1 year gap between their terms of delegation. Per preliminary estimates, applied-for gTLDs from first batch might be delegated late 2013 and second batch might be delegated within 2014. *A. Kolesnikov (16 Aug. 2012).*

Three Batches.
- First batch should be geoTLDs of public interest (regions, cities, IDNs) for subsequent evaluation. Most if not all those TLDs should not be contested as they require a letter of support by the governing authority. These TLDs are connected to a longtime, tightened sense of community with a pre-defined demand for domains.
- Second batch--all other undisputed single applications.
- Third round--strings with contentions should be placed in a third round if the applicants do not find a way to resolve the situation within a given time slot.
- All applicants should be given right to opt-out of the first and second batch, as some may have

plans for a later TLD launch.
dotSaarland (17 Aug. 2012); Key-Systems (17 Aug. 2012)

Single Batch--support.
All applications should be considered in a "single batch." Multiple batches are unnecessary and will engender many egregious consequences for applicants and for the new gTLD program in general. The reality is that many applications are duplicative and evaluators are not going to have to evaluate 1900 distinct technical sections, and many financial sections will also be quite similar. *Minds + Machines (18 Aug. 2012)*

Completing all of the Initial Evaluations in a single batch is a better alternative to a digital archery contest.
- Batching is not necessary from a resource perspective: unanticipated operational efficiencies within the Initial Evaluation process can and should be realized--e.g., high degree of applicant concentration; high degree of Registry Service Provider concentration; significant resources available to ICANN through application fees.
- Batching is not necessary from a root zone stability perspective: ICANN has affirmed that it can add 1,000 new TLDs per year to the root zone without adversely affecting stability; based on a rough analysis, it does not appear that there will be significantly more than 1,000 applicants seeking immediate delegation, and even if there are, remaining gateways to delegation such as contract negotiation, extended evaluation and contention resolution provide adequate management tools.
- The single batch solution is feasible and realistic, and superior from a policy perspective--it is consistent with the principles of openness, fairness and transparency. Equally important is the public perception that these principles are honored. Digital archery is neither open nor transparent, and it is perceived by many in the community as being unfair. A single batch solution will be perceived as equitable by both the community and the rest of the world. A digital archery contest alone should not determine the path to market for hundreds of businesses collectively worth billions of dollars. There is a better way.

T. Brackey (17 Aug. 2012)

Single Batch--opposition.
It is inappropriate for ICANN to change the batching policy which has already been executed. Changing the batching strategy increases costs for all applicants. Batching is not perfect but it is a solid solution needing revision, not abolition. A single batch could bring hidden risks and unexpected issues, especially to the disadvantage of new applicants from non-English speaking countries. *CONAC (27 June 2012)*

A single batch and simultaneous release of results is inefficient and ineffective, and Donuts does not support it. There is no consensus in the applicant community for such a change. Donuts supports a sequenced Initial Evaluation process as put forth in the Applicant Guidebook. *Donuts (18 Aug. 2012); NTAG (18 Aug. 2012); United TLD (19 Aug. 2012)*

Uniregistry favors a continuous release over a single batch approach. *Uniregistry Corp. (20 Aug. 2012)*

Grouping by similar category.
Please categorize the applied names and the nature of the business--similar ones should be considered at the same time. Branding TLDs might be considered first. Under this approach you can control the rate. Reasoning for this approach: Some applicants would be able to use the names early, benefiting the overall usage of Internet users. *T.M. Mahatham (13 Aug. 2012)*

General timing concern. ICANN must take into account that the current calendar already has a six month delay regarding the initial calendar. New delays would put the business plans of many applications in danger, especially those which are counting on generating admissions from the next year, and this could be fatal to the process. *Asociacion puntoGAL (13 Aug. 2012).*

Given cultural diversity goals of the new gTLD process, ICANN must not relegate any of the following:
(1) Applications that serve a public interest ((i.e. have a letter of support from the competent public authority in the jurisdiction of the candidate).
- Public proposals must have priority over those fueled by private interests. If not all the candidates can be added at the same time, those that benefit the community must not be the ones damaged for the benefit of "dot brands," who are the majority amongst the candidates.
(2) Community candidates applications --those submitted on behalf of and with support of a great number of bodies, institutions and/or people.
- These applications have already had to show that they have popular support, so at end of day they will benefit more users than other applications.
(3) Applications promoting cultural and linguistic diversity on the Internet.
- This is one of the basic objectives of the process, so IDNs candidates and linguistic communities proposals must never be relegated.
(4) Applications that are not contested candidates.
- I.e., there are no other candidates for the same string.
- ICANN will facilitate the agreement among contested candidates if these are allowed to have more time to negotiate.
Asociacion puntoGAL (13 Aug. 2012).

Order of submission should count. The time stamp of submissions of applications should help that. If that is insufficient, an online vote/poll could suffice, but that would only favor individuals/firms with existing heavy internet presence like Apple, Google, etc. To avoid any disorder, not all domain names should be registered: some seem serious and necessary (e.g. .book, .music, .art, .news, .blog, .app and so on). Names that may not exactly apply to any section of the demography (age groups) or the wide range of known personality types may be considered less important or not important depending on your judgment; their applications could be reviewed and a priority list may be developed from them. This would help in creation of an acceptable and understandable order of the release of domain names. *O. Jeffrey (15 Aug. 2012)*

Different types of applications can be grouped so when every application in that group finishes initial evaluation, their results can be published. These types should be the ones defined in the guidebook:

Community Applications, Geographic Applications, Standard Applications, not market-based determinations like brand/open/closed/single-registrant.

--<u>Community applications</u> will only be given such status if they elect to have a Community Priority Evaluation and pass it. Because of this possibility, community applications will be asked to elect to go or not go through Community Priority Evaluation even if they are not part of a contention set. If the application elects not to go thru Community Priority Evaluation or fails it, it will be considered a standard application for the purposes of metering, although keeping the community restrictions on its contract.

--<u>Geographic applications</u> without government support would be either rejected or moved to the standard status through the metering process, depending on panel determination.

--However, grouping of evaluation results wouldn't be a factor on determining which applications to send to evaluators. Order of evaluation should still target maximum efficiency measured as the time it takes for the last application to finish evaluation.

--As GAC Advice is the likely throttle of applications, all successful applications that are not part of a contention set and have not received GAC Early Warning should proceed to pre-delegation testing before publishing of results. It's not assumed that no GAC EW means no GAC Advice, just that it's less likely. Early pre-delegation testing activities cannot be disclosed by applicants as ICANN approval or endorsement as applications are still the subject of GAC and ICANN board determinations. Pre-delegation testing should be done for each back-end provider, defined by the same criteria used to optimize technical part evaluations.

R. Kuhl (17 Aug. 2012)

<u>Tiered proposal</u>.

--Just as ICANN must group strings for evaluation based on string contention, so must it group strings for delegation based on similar competitive interests. An equitable process requires that applicants have the opportunity to declare competitive threats from other strings. As string contentions are resolved according to established rules, there will be a single .green and a single .eco (for example). It is possible that these two applicants will have strongly competing interests. Delegation can only proceed with equity if both are delegated on the same day. This competitive circumstance will undoubtedly exist for many other pairs, as well as groups, of strings.

--The relative timing for disclosing application results and subsequent delegation is more important than "absolute" timing. While plans and business interests may be frustrated by delay, they could be devastated by arbitrary delegation whereby a competing string gets a head start.

--ICANN must promote the interests of the community by making choices among competing applicants. To be equitable, there must be a non-arbitrary basis for these choices. There currently exist logical divisions for grouping strings to achieve consistency of application results disclosure, and equitable delegation. The following four Tiers represent an ordered system based on community interests, practicality and relative equity among applicants.

--Application results may be publically disclosed sequentially by Tier. This would allow for more resources to focus on quality of results on a Tier by Tier basis. Alternatively, all application results could be disclosed at once. However, consideration should be given to the resource cost of

evaluating later Tier applications early. That is to say, actual delegation may begin sooner if resources are concentrated by Tier.

Tier 1: "Common Good" strings --1. Community strings; 2. Geographic strings (sponsored by sovereign bodies; 3. IDN's, In spite of the presence of commercial interests here, the case for IDN's as an important and overdue addition to the world appears to have been made. However, if an IDN represents a direct competitive threat to a later Tier string, then delegation of the IDN in Tier 1 may be inequitable. For Tier 1 strings with contention issues, objections or GAC warnings, these resolution processes should begin as soon as possible.

Tier 2: Any string that: 1. Has not been identified by another applicant as a competitive threat; 2. Has not receive significant (or possibly not any) negative public comments; 3. Has not been implicated by GAC. For Tier 2 strings with contention issues or that are the target of objections, these resolution processes should begin as soon as possible, but secondary to Tier 1 resolutions from a resource standpoint.

Tier 3: All strings in this Tier will be one of a pair or group that has been mutually or unilaterally identified as competitive threats of one another. This Tier represents the greatest challenge for avoiding arbitrary delegation. Meaningful factors must be discovered, disclosed and evaluated for ordering delegation. Some of the factors that were to be considered in the original batching plan may still be meaningful. Potential criteria for ordering delegation may include the following:

  - First Ready, First Delegated – there has been frequent speculation that the administrative processes of application review, dispute resolution and pre-delegation requirements will proceed at different speeds for different applicants and thus smooth itself. In fact this may be the only practical way to order delegation. There will be a two-step process here.   First, each string group must clear application review, string contention and possible dispute resolution. These processes are largely beyond the applicant's control. Second, successful applications must complete pre-delegation requirements. Once both strings in a pair, or all strings   in a group, are cleared for pre-delegation, time requirements may need to   be implemented to prevent strategic delay by a particular applicant.   Once   the first applicant of a string pair or group completes requirements, the others must follow within a reasonable time or risk being left behind.

Note a difficulty with the following criteria: all strings within a pair or group must meet the conditions. This is necessary, for otherwise there is a risk that applicants would identify favorable strings as competitive threats in order to achieve priority for themselves.

  - Global distribution – give priority to underrepresented regions.
  - Open v. closed registries - there may be a policy consideration consistent with ICANN's mission to prioritize those competitive string sets that allow for unrestricted public domain registration.
  - Quasi community purpose – does a set of competing strings serve a   community, social, humanitarian or similar altruistic interest.

Keep in mind that pairs and groups of strings that have been declared as competitive threats must still

be delegated on the same day regardless of the above factors.

Tier 4: Any strings of applicants that voluntarily agree to be delegated last.

Finally, with respect to the identification of competitive threats, ICANN should establish a process to evaluate the legitimacy of unilaterally declared threats.
J. Swann (18 Aug. 2012)

Increasing Evaluation Process Efficiency
--Similar Content, Exclusive Use TLDs and Same-Industry Competitor Applications.

- For evaluation productivity, ICANN must analyze applications globally by similar content.
- It should also do simplified evaluation of exclusive-use TLDs. ICANN must allow applicants to use TAS to declare that they apply for exemption under Specification 9. For applications flagged as exclusive-use, the evaluation is reduced to the aspects that matter. If a TLD application is flagged as exclusive use in TAS by the applicant, then the applicant should be allowed to use TAS to identify same-industry competitor applications which should not enjoy a time advantage over the declaring applicant. This is an additional incentive for an early declaration of exclusive use. *CORE (19 Aug. 2012)*

Streamlining evaluation process. ICANN should take all reasonable steps to increase the speed of evaluating all applications. There are synergies arising from the limited number of Registry Service Providers, which lead to partially congruent responses to the technical questions. Applicants that have applied for multiple strings may have used partially congruent information in business plans etc. Hence, the evaluation process can be streamlined without any loss of quality by identifying the variations and determining their impact on the overall assessment. Where possible, applications should be assigned to evaluators in a manner that allows for the common evaluation of substantially similar applications. *eco (19 Aug. 2012); dotBerlin (19 Aug. 2012); Melbourne IT (19 Aug. 2012)*

Natural throttling questionable. Commenters who claim that the contracting phase will result in a natural throttling of applications being entered into the root miss the fact that a large portion of applicants passing initial evaluation and not involved in contention sets will sign ICANN's standard registry contract without amendments for the sole purpose of being first to market. There will likely be a large influx of applicants seeking immediate delegation after passing the initial evaluation and signing a contract with ICANN. *M. Palage (18 Aug. 2012)*

Initial Evaluation--ICANN capacity and resources. Initial evaluation (IE) should be completed as soon as possible. Donuts encourages ICANN to meet or beat its projected capacity estimate of 300 IEs per month (which could mean full completion by Jan. 2013). If ICANN is in danger of not completing IEs in this timeframe, additional capacity should be made available to remove that risk. *Donuts (18 Aug. 2012); NTAG (18 Aug. 2012)*

Simultaneous publication of Initial Evaluation results--Support.
All the results of the Initial Evaluation should be published at the same time, as long as it is not beyond the period of June-July announced by ICANN 3 weeks after the meeting in Prague. This minimizes damage to the candidates and helps to develop a more fair process, if the technical

impossibility of incorporating all the candidates that pass the Initial Evaluation in the same year occurs. Even if not all the candidates that pass the Initial Evaluation can be incorporated during the same year, the fact that everyone knows at the same time if they have passed the Initial Evaluation allows candidates to be able to inform the communities that support them and/or investors that finance them also at the same time. *Asociacion puntoGAL (13 Aug. 2012).*

We propose a simultaneous publication of all the application evaluation results at end of Initial Evaluation. The applications should be broken into 2 groups--(1) those in Contention Sets and (2) non-competing applications. *A. Kolesnikov (16 Aug. 2012).*

We expect ICANN to release applicants to delegation in a fair and transparent way. This should include publishing all application results once initial evaluation has been completed. *K. Ohmer (19 Aug. 2012)*

Initial evaluation results should be posted for all applications at the same time. Proper batching, metering and smoothing can be achieved through the application process already outlined within the Applicant Guidebook. These elements, together with a revised registry agreement and a First in, First Out (FIFO) policy will allow the program to move toward release of new gTLDs in a consistent, fair and transparent manner that allows applicants to control most of the time required to go to market. These steps will create a natural cadence that will keep delegation below the 1,000 yearly limit and not cause great upset and unfairness through metering or other artificial prioritization.

- Before posting initial evaluation results, ICANN should hold a public forum to generate feedback regarding the already proposed registry agreement, and any changes should be considered and added into a new and final agreement that will be published along with the initial evaluation results.
- Applications that must go to Extended Evaluation or which are in contention or have an objection should proceed to resolve those roadblocks while those allowed to move on should receive the registry agreement. Once applicants have returned the agreement to ICANN (edited or not edited), ICANN should do final processing of the agreement and proceed with pre-delegation testing on a FIFO basis using a time-stamp mechanism.
- When applications have passed all tests they should be inserted into a launch queue on a FIFO basis. As applications move forward ICANN should provide compete transparency on their status via a publicly available online portal.

Xerox (18 Aug. 2012); FairWinds Partners (18 Aug. 2012)

MarkMonitor requests that the Initial Evaluation results for all applications be released at one time, now expected to be in June/July 2013.
--If all applications pass Initial Evaluation, allow all 1179 uncontested applications to move through contract negotiations. The number of uncontested applications may actually decrease as examiners identify additional contested strings and applications are withdrawn.
--Continue processing these uncontested applications on a first-come, first-served basis, so that if no changes to the contract are negotiated, uncontested applicants may continue through the process. Additional legal resources should be identified to alleviate any potential bottlenecks (add additional staff or relying on the services of outside legal counsel).

--If contracts for all 1179 applications are quickly signed, it is possible that more than 1000 extensions could be added to the root in a year, although based on recent guidance from the SSAC, this does not seem to pose a threat to Stability or Security but rather a risk to current service levels which could likely be addressed by increasing the necessary resources. Again, ICANN should identify additional technical resources to alleviate any bottlenecks that might occur as a result of pre-delegation testing or the delegation of the gTLD into the root zone database.
 --The remaining 751 contested applications will need to move through the contention process, which will take up to another 6 months post Initial Evaluation results, according the Guidebook.
MarkMonitor (15 Aug. 2012); Alibaba Group (17 Aug. 2012)

All applications will be released in May/June 2013, approximately one month after the GAC Advice, so there is no necessity for a new process involving different times. *TLDDOT (19 Aug. 2012); DocCheck (20 Aug. 2012)*

HKIRC supports evaluating all applications in a single batch and announcing the Initial Evaluation results simultaneously, as suggested by the community at the Prague meeting. There will be a natural smoothing of applications ready to enter the stages of pre-delegation testing and delegation. Potentially there will be less than 1,176 applications ready to enter the next stages right after Initial Evaluation; the number is very close to the 1,000 per year delegation rate. The approximate 1,000 applications should all be transitioned into the contract execution and pre-delegation phases at the same time and handled within the one year time frame, which will ensure that the release time of the applications is fair and equitable. *HKIRC (16 Aug. 2012)*

Release times for initial reports. With reference to a diagram attached to Melbourne IT's comments, a fair method of scheduling release times for initial reports would be to consider releasing results in proportion to the number of clarifying questions and the speed to which the responses are provided. E.g.:
- release initial reports for those applications where there were no need for clarifying questions (e.g. 10% of applications as estimated by ICANN)
- release initial reports for those applications where there are less than 5 clarifying questions, where answers that have satisfied the evaluators are provided within 14 days
- release initial reports for those applications where there are more than 5 clarifying questions, where answers that have satisfied the evaluators are provided within 14 days
- release initial reports for those applications where there are less than 5 clarifying questions, where further clarifying questions were required
- release initial reports for those applications where there are more than 5 clarifying questions, where further clarifying questions were required
The exact sequencing will be determined by the actual spread of clarifying questions and the degree to which the responses have satisfied the examiners.   ICANN may choose to use different numbers of clarifying questions to break up the release of initial reports - e.g. less than 2 clarifying questions, less than 3 clarifying questions etc.
The sequencing method is fair because those that have provided the most complete answers should have their initial evaluation reports released first.
Melbourne IT (19 Aug. 2012)

ICANN should increase staff for contract execution to release as many applicants per month as possible. *K. Ohmer (19 Aug. 2012).*

ICANN should release applicants to delegation in a fair and transparent way. This should include publishing all application results once initial evaluation has been completed. *K. Ohmer (15 Aug. 2012).*

Opposition to publication of Initial Evaluation results on different dates. If any candidates start the formalities to be added to the DNS while others still do not know if they passed Initial Evaluation, and if this happens without any objective criteria to classify the candidates, the communities that give support to relegated proposals will lose their confidence in ICANN's ability to organize an equitable process. Damage will be especially severe for community candidates whose main resource is the support of their respective communities, who have been maintaining their support despite all the delays to the process. *Asociacion puntoGAL (13 Aug. 2012).*

Support for release of evaluation results at different times.
The City of New York believes ICANN should publish evaluation results as soon as they are available for each contention set, and expeditiously move forward with Transition to Delegation of all applications that have successfully passed evaluation, entered into contracts with ICANN and completed pre-delegation testing. Requiring all applications to wait for all applications to complete every step of the process unnecessarily delays the innovation and other benefits associated with the new gTLD program. *City of New York (17 Aug. 2012); J. Trevino (18 Aug. 2012); Madrid (18 Aug. 2012); Donuts (18 Aug. 2012); CORE (19 Aug. 2012); dotBerlin (19 Aug. 2012); Bayern Connect et al. (19 Aug. 2012); Melbourne IT (19 Aug. 2012); Uniregistry Corp. (21 Aug. 2012)*

The release of the evaluation results at different times is a good approach. There is no valid reason why the publication of the evaluation results should be extended till all applications have been evaluated. This would mean that applications that are not contested and that are successfully evaluated would be held back by those applications that are more problematic. Regardless of the timeline for further processing of the applications after the initial evaluation, it would be detrimental to keep applicants unaware of the fact that their application was successfully evaluated just because not all applications have been evaluated. We also think that the next stages for the handling of the applications can start once they have past the evaluation. This would help smoothing the whole process towards delegation. Starting the following stages only after all evaluations have been concluded and published would create unnecessary and further delays for applicants that have an uncontested string and managed to introduce a complete application file. We would however keep the processing timeline identical for applications (as long as they are not contested or don't need extended evaluation etc.) that have been filed by the same applicant. It would be hard to explain from a legal of view that the application for .xyz is treated differently from the application for .abc if both applications were introduced by the same applicant and are nearly identical (scope, financial framework and technical setup).
P. DuBois (17 Aug. 2012)

While we cannot predict whether our proposed approach would be enough to eliminate all potential

timeline issues, we are convinced that it will help smoothing the whole process and is a far better alternative than just releasing one single batch of result after the initial evaluation of all applications. We think that ICANN should maximize its efforts to achieve an efficient handling and continuous processing stream of applications while preserving global diversity and particular attention for public interest. In that way future registrants across the globe will see the benefit of the existence of new gTLDs to its fullest potential.
P. DuBois (17 Aug. 2012)

The goal for this phase should be to publish the Initial Evaluations as soon as GAC provides its advice to the Board. *CORE (19 Aug. 2012)*

Note that the Initial evaluation reports can be released prior to either GAC early warning or GAC advice, as GAC advice ultimately is taken into account by the ICANN staff and Board rather than the external evaluators, which are only evaluating applications against the criteria in the guidebook.   If the Initial reports are available at least one month prior to the Beijing meeting (7-12 April 2013), the GAC will be able to take the reports into account when finalizing their advice.
Melbourne IT (19 Aug. 2012)

Form of Registry Agreement. Applicants should be able to tender to ICANN's legal department the form of the registry agreement they wish to sign as soon as possible, so ICANN legal department can begin the process of pre-approving the form so it is ready for execution as soon as possible following the release of evaluation results. Allowing this process to move forward early is especially important if ICANN holds to the concept of a single batch. *Uniregistry Corp. (21 Aug. 2012)*

Pre-delegation testing for registry back-ends should begin as soon as possible. Pre-delegation registry testing should not be dependent on an application passing evaluation. We believe that ICANN should take as many of the pre-delegation testing steps as possible now, pre-accrediting the registry back-ends, so that when an applicant passes, the bulk of this work is complete. Allowing this process to move forward early is especially important if ICANN holds to the concept of a single batch. *Uniregistry Corp. (21 Aug. 2012)*

Simultaneous delegation process.
ICANN should consider a simultaneous delegation process that allows applications from the different regions to be added to the root zone within the same timeframe. While this is perhaps more advantageous for those regions that have introduced fewer applications, it is certainly not disadvantageous for the American and European regions. It would certainly add a picture that the new gTLD program truly is global and international in nature. *P. DuBois (17 Aug. 2012)*

Uncontested applications. Uncontested applications that have been successfully evaluated should immediately be directed to "Transition to Delegation" including publication of the evaluation results for the publicly available part of the applications. A simultaneous release of evaluation results of all applications is unnecessary and contra productive since it creates further delays for applicants.
Combell Group (13 Aug. 2012); R. Schwarzler (16 Aug. 2012); Geographical Names gTLD Applicants (16 & 19 Aug. 2012)

<u>Proposed method/algorithm for metering</u>.
After initial evaluation is competed for all applicants, all successful applicants are grouped, in the sense of hash code chunking, according to the birth day-of-year of the primary applicant (1-367; i.e. including Feb 29), resulting in an ordering of the applications into 367 different groups. Those born Jan1 get into the root first, those on Dec 31 last. (An alternate ordering is that the day the announcement is made on the full set of initial evaluation represents the first to be processed and then continue, coming back to day 1 after day 367.) As this is information that is already set and already in the application, there is no chance, drawing or process used other than information ICANN already has. Also no one had an opportunity to set their birth day-of-year so as to gain undue advantage.
- As each extended evaluation, community priority or objection processed applicant is successful, they are added to the group corresponding to their birth day-of-year.
- Modulo the initial day-of-year based group, if Jan 1 is not used as the initial point in the ordering, the ready applications in the earliest group are put into the root.
- If a second ordering is required within a group because there are too many in one day-of-year based group for a smooth process, the year of birth is used to order the group - oldest primary applicant gets their TLD into the root before others in the group.
The second and third rules in this process are meant to keep those applications who have to go through extended evaluation, community priority or objection processing and who are successful from having to wait until the end of the process. Especially in the case of community priority evaluations, to force communities to wait until all others have already been deployed is unfair.
Note: there are possibly other numbers that are part of the application and its meta-data that could be used in a similar hashing process if day-of-year is somehow problematic. The most important elements are that it be a fair process that does not penalize applicants for requirements for further processing.
Avri Doria (15 Aug. 2012)

There might be objections to the birthday as the hash key. Another possible key: Use a technique based on the time of day when the submit key was pressed, no matter which day and create your hashing function based on time of day modulo the number of separate buckets, that would be as good as the day-of-birth method.
Suppose: N = number of buckets, e.g. 100 buckets for 100 months of 20 applications per month
Modulo N(seconds or minutes since midnight UTC button was pressed)
As I indicated, I am sure there are all sorts of numbers already attached to each application, so the general notion is pick a good number and use it modulo the number of buckets that work best for the metering process.
Avri Doria (15 Aug. 2012)

2. Should the metering or smoothing be accompanied by downstream metering of application processing (i.e., in the contract execution, pre-delegation testing or delegation phases)?
a. How can applications be allocated to a particular timing in contract execution, pre-delegation testing, or delegation in a fair and equitable way?
b. Provide reasoning for selecting this approach.

<u>Post-delegation evaluation</u>. We suggest that ICANN set up some rules to evaluate the delegated TLD every year--if rules are broken then ICANN has the right to negotiate to take it back. This way you can loosen your evaluation period this time--just quickly evaluate and delegate to applicants. *T. M. Mahatham (13 Aug. 2012).*

<u>Different paces among applications</u>.
Once batching is carried out, it is only logical that candidates should keep advancing in the process as soon as they meet the different requirements. This approach awards the administrative efficiency of each application, makes the process fairer and more equitable, and limits ICANN's need to take decisions in favor of some candidates. ICANN can also implement these criteria without damaging anyone: (1) a mechanism allowing a candidate to declare that it is interested in being at the beginning of the queue; and (2) a mechanism allowing a candidate to establish priority among its different proposals. *Asociacion puntoGAL (13 Aug. 2012).*

ICANN questions on timing should be asked the other way around -- i.e., are there any valid reasons why the publication of evaluation results should be withheld to a certain "reveal date." ICANN should process gTLDs down the path as they are ready for the next step. *Combell Group (13 Aug. 2012); R. Schwarzler (16 Aug. 2012); Geographical Names gTLD Applicants (16 & 19 Aug. 2012)*

Metering should start at the beginning. ICANN should allow applications to move forward as they are vetted and approved; this will save time, money and intellectual capacity, thereby directing it towards more difficult strings. Not all string applications are treated equally. If one application meets every ICANN requirement and another does not, then why release them at the same time? *D. Trevino (18 Aug. 2012)*

Applications should be sequenced right away and the resulting sequence should be preserved through contracting and delegation. ICANN will need to provide the sequencing order to the parties with authority over separate parts of the process to ensure the integrity of the sequence, including "downstream" providers (contracting, pre-delegation testing, delegation). These parties will use the established sequence to determine process priority for each application. Establishing priority order is best done at the beginning of the process, so every application can benefit from the resulting efficiency. *Donuts (18 Aug. 2012); ECOM-LAC (18 Aug. 2012)*

ICANN should establish a sequencing method as soon as is reasonably possible. NTAG does not have consensus on a replacement for Digital Archery to determine sequencing but welcomes opportunity to provide additional information on applicant views and preferences as well as receive information related to technical and administrative thresholds that may exist. *NTAG (18 Aug. 2012); United TLD (19 Aug. 2012)*

ICANN staff is in a better position to establish the available bandwidth for each given phase. ICANN should use a "takeoff" time window for each applicant or groups of applicants for both contractual execution and pre-delegation tests; the takeoff windows can vary based on the types of applications. If an applicant misses its window it jumps its turn into the next allocation group. It is

important to keep in mind that "delegation" is the only really relevant step, where we have an annual constraint of 1,000 per year and the daily, weekly, monthly rates that have never been clarified. *CORE (19 Aug. 2012)*

Potential applicant sequencing solutions. Donuts identified three broad categories of potential applicant sequencing solutions: (1) competitive process; (2) predict a future event; (3) secondary timestamp. *Donuts, Appendix A (18 Aug. 2012)*

Smoothing by applicant choice.
One way to provide smoothing would be letting applicants choose when they prefer to go through the next stages according to their readiness to delegation. ICANN could provide as many options (batches) as necessary. If ICANN adopts any metering approach to the evaluation phase, smoothing of the next phase would be easier to handle. *ECOM-LAC (18 Aug. 2012); Melbourne IT (19 Aug. 2012)*

Ideally the timing of TLD delegation should match the wishes of applicants. Applicants should be allowed jointly to set the preferred order of priority within a group of applications. TAS should allow each application to propose a group, to join a proposed group, or not to join any group. This process can be conducted over 3-4 months. Those who joined a group can give their application and intra-group priority score agreed upon with the group's proposer. The priority score can be updated and an application can leave a group and join another group until the end of the grouping period. *CORE (19 Aug. 2012)*

CORE's recommendations will provide sufficient smoothing if applied according to two basic principles: (1) do not create artificial bottlenecks at each stage by stopping everyone from moving to the next phase until everyone has completed the previous one; and (2) if at any given moment but most notably at the delegation step there is a need for throttling, metering or smoothing into the next phase, the same public-policy oriented criteria should be used in order to establish priority. *CORE (19 Aug. 2012)*

String similarity review and efficiency. ICANN could further contribute to efficiency by immediately announcing which strings are not subject to string similarity review. This would allow contending applicants to consider contention resolution sooner. ICANN should announce string similarity results prior to the Toronto meeting providing applicants certainty and better options for contention set resolution. This would not require consideration of the full application, and ICANN should focus on only those strings that have any potential for being confusingly similar (we estimate this to be a very low number). This process does not require the 4.5 months currently projected. If we have underestimated the effort to produce string similarity results, then ICANN should devote more resources to shorten this phase of the process. *Donuts (18 Aug. 2012); NTAG (18 Aug. 2012); United TLD (19 Aug. 2012)*

Application withdrawal announcements. ICANN should announce application withdrawals no more than one week after they are received. *NTAG (18 Aug. 2012); United TLD (19 Aug. 2012)*

Objection Period.

Donuts agrees with ICANN Staff that it should be no longer than 7 months from the Reveal Date. *Donuts (18 Aug. 2012); NTAG (18 Aug. 2012); United TLD (19 Aug. 2012)*

ICANN has not clarified if the objections will be handled early or only after publication of the Initial Evaluation. CORE strongly encourages the former. Early resolution means less applications, more clarity and less work overall. *CORE (19 Aug. 2012)*

Contention Sets--Joint Conditional Withdrawals. ICANN should publicly explain that it would accept Joint Conditional Withdrawals. If multiple parties withdraw, but then one or more withdrawals are not confirmed, then ICANN would notify the other parties in the Joint Withdrawal and allow them to choose between moving forward or staying in the process, as the intended resolution has failed. If this is allowed, CORE foresees a fair number of the 100+ contention sets with more than two applications (accounting for some 500 applications in total) with a real chance of early resolution, providing for a significant reduction of the names subject to Evaluation and subsequent steps. *CORE (19 Aug. 2012)*

GAC Process. Donuts agrees with ICANN's decision to extent the GAC's timeline for Early Warnings to October 19 to accommodate the Toronto meeting. If the GAC elects to avail itself of the Applicant Guidebook enhanced presumption of non-approval regarding GAC advice against an application, the ICANN Board should require the GAC to provide that advice by the close of the Objection Period, and advice afterward would carry its normal weight. If the GAC requires assistance in meeting this timeline, Donuts supports an intersessional meeting as early as possible in the 6-month period between the Toronto and Beijing meetings. *Donuts (18 Aug. 2012); NTAG (18 Aug. 2012); United TLD (19 Aug. 2012)*

ICANN should organize an interim meeting early in 2013 to increase efficiencies regarding GAC Advice. *M. Pfeifer (19 Aug. 2012); K. Ohmer (19 Aug. 2012)*

Pre-delegation testing and contracting. ICANN should begin pre-delegation testing of registry technical systems and the contracting process as soon as practicable. It is operationally unnecessary to wait until the conclusion of Initial Evaluation. *Donuts (18 Aug. 2012); NTAG (18 Aug. 2012); United TLD (19 Aug. 2012)*

Downstream metering not needed for all application types. We believe that the proposed approach as described in our comments would seriously limit the risk of having congestion in the post evaluation stages. Certainly for applications with public interest there would not be a need for downstream metering. It could be possible that a downstream metering is appropriate for the more generic applications. As the applicant for two geographical names, we feel it would be inappropriate to express ourselves concerning the downstream metering of generic applications. However as a general principle we refer to ICANN's global mission and would advise to what we stated in our comments concerning the fair and equitable processing of applications from the different regions. *P. DuBois (17 Aug. 2012)*

No necessity to downstream delegation rates. With the proposed public interest prioritization,

followed by a round-robin method, we do not expect any necessity to downstream delegation rates. In addition, all applicants should be asked if they want to "opt out" with the consequence of being initially evaluated at a later stage. This could significantly decrease the number of applications to be reviewed in the first instance. *Combell Group (13 Aug. 2012; R. Schwarzler (16 Aug. 2012); Geographical Names gTLD Applicants (16 & 19 Aug. 2012); TLDDOT (19 Aug. 2012); DocCheck (20 Aug. 2012); dotBerlin (19 Aug. 2012)*

Downstream metering is necessary.
It seems obvious that metering or smoothing is inevitable. It is very likely that more than 1,000 strings among 1,927 applications will pass the evaluation in the same year, even though there may be a natural slowdown due to objections and contentions. Thus, downstream metering is necessary. In this sense, it is impossible to achieve absolute fairness and equitability. *CONAC (17 Aug. 2012)*

The process should focus on efficiency, and downstream metering should be done according to the recommended priority criteria whenever the number of available applications for a given phase or step is bigger than the available resources for parallel handling. *CORE (19 Aug. 2012)*

Downstream metering necessary. It is likely that some metering of applications will be needed to ensure the smooth delegation of gTLDs that have been approved in a batch by the ICANN Board.
--If Applicants don't volunteer for a later delegation slot, ICANN should attempt to even out the delegation rate by taking into account the date of signing of the gTLD agreement and the ICANN Geographic region to ensure an even spread of gTLDs globally.   This is likely to ensure that those from regions such as Africa and South America are likely to be able to be delegated when they are ready, as these regions have fewer applications in comparison with USA and Europe.
--Within a particular geographic region, ICANN should reward those applications that have the highest evaluation score by allowing them to be delegated first.
--Finally if the above method doesn't result in a sufficient spread of gTLDs across weekly delegation slots, then ICANN could use a last resort method like alphabetical assignment.   IDNs would be treated as at the beginning of any alphabetic order. ICANN could alternate between "a" to "z" or "z" to "a" order for each batch approved by the ICANN Board.
Melbourne IT (19 Aug. 2012)

Applications with "transition to delegation" status. ICANN should forward applications in the "transition to delegation" status as soon as possible after they have been reviewed successfully in order to facilitate a smooth introduction of new TLDs into the root. *Combell Group (13 Aug. 2012); R. Schwarzler (16 Aug. 2012); Geographical Names gTLD Applicants (16 & 19 Aug. 2012); TLDDOT (19 Aug. 2012); DocCheck (20 Aug. 2012); dotBerlin (19 Aug. 2012)*

Priority for Closed, Trademark TLD applications. "Brand" or trademark TLD applications that will be reserved for internal use and will not be open for registration (i.e. closed registry) should be handled first in contract execution, pre-delegation testing or delegation phases on a first-come, first-served basis. This would give ICANN a chance to process these TLDs in a relatively short period of time and learn from the experience so that when it moves forward with "commercial" TLD delegations after this phase it can ramp up the speed easily and smoothly. Processing the "brand" TLD delegation also

posts minimal to zero impact to the "commercial" TLDs offering registration services, where they are more likely to be impacted by the launch time of their peers. This proposed priority should not be given to closed registries with generic and non-trademarked applied-for strings. After all the "brand" TLDs are delegated, or when resources are available for ICANN to start taking up the work for other "types" of applications, other applications shall be handled on a first-come, first-served basis. *HKIRC (16 Aug. 2012)*

At every processing stage, these guidelines should be observed, in this order:
1) First-In-First-Out: Until every application that entered a stage at the same date starts being processed, no other applications that have since arrived should enter processing.
2) Geographic diversity: From every set of applications that enter a processing stage at the same date containing more than one ICANN region, one from each region should be picked from the queue, the same mechanism that would be in place with secondary timestamps.
3) Community priority: From every set of applications that enter a processing stage at the same date, community applications and geographic applications (both community-oriented, each in their own sense) would go first.

For contract executions, besides those 3 base guidelines(FIFO, Geographic diversity, Community priority), these guidelines should be observed:
-- Contract Applications that have completed early pre-delegation testing should be picked first for contract execution than applications that will still need to go thru pre-delegation testing
-- Contract Applicants with more than one application in this phase should wait until all applicants with a single application have contracts in place. For each stage, applicants would provide ICANN with a prioritized list of what strings they prefer to prioritize. For this guideline companies that are part of the same group would be treated as a single applicant.

For pre-delegation testing, we think the base guidelines are enough, as early pre-delegation testing would leave few applications to this stage at this time.

For delegations, besides those 3 base guidelines (FIFO, Geographic diversity, Community priority), these guidelines should be observed:
--Delegation IDNs: From every set of TLDs that are ready to be delegated at the same date, IDN TLDs (regardless of being an IDN new gTLD or an IDN ccTLD) should be picked first.
--Delegation for TLDs entering delegation stage at the same date, they should be ordered by the A-Label (excluding "xn--" from IDNs). To achieve fairness, for each set of TLDs being metered, the criteria would be reversed, and the first set would have one criteria or another based on the week number being odd or even. After ordering they would be batched considering the time in effect delegation rate (assumed to be of 20 per week approximately). Uppercase or lowercase (IDNs) would be treated equally.

This approach would provide priority for important topics (Community applications, IDNs), metering and a process that has variability without being random. The alternating criteria provide fairness--for instance, a string beginning with Z can be either the best thing or the worst thing at a single step, but on average all strings are alike). Smoothing would be by design achieved.

R. Kuhl (17 Aug. 2012)

Gradual release method. Melbourne IT believes that the chances are low that more than 1000 applications will be ready to delegate in a given year.   However there may need to be a method to ensure that applications are gradually released into the top level zone--E.g., not release more than 100 gTLDs in a given week, or it may be desirable to start with a smaller number in the first few weeks and months, and ramp up to higher numbers as system stability is demonstrated e.g. starting with 10 names a week, and then gradually increasing.
--Melbourne IT assumes that the ICANN Board is likely to approve gTLDs on a monthly basis once the gTLD registry agreements are signed, and any GAC advice is resolved.   The Board can take advantage of the natural variability of the process to approve gTLDs in batches.
--After the Board has approved a batch of applications to be delegated, the staff could schedule the technical testing and delegation of the approved applications on a weekly basis.
Melbourne IT (19 Aug. 2012)

Delegation prioritization. Once the Board has approved a batch of gTLDs for delegation, the IANA staff could assign gTLDs to weekly delegation slots by using the following prioritization approach:
- allow applicants to request a later slot in the delegation process (or put delegation on hold for up to a year).   Depending on the degree to which the applicant choses to delay delegation, ICANN could provide an exemption for the Registry Fees (US$6,250 per quarter) for one or more calendar quarters.
- date of receiving a signed gTLD registry agreement
- geographic region of the applicant - allocate gTLDs in a weekly slot fairly across the five ICANN geographic regions: North America, Latin America/Caribbean Islands, Asia/Australia/Pacific, Europe and Africa
- applications with the highest score in the evaluation process
- gTLDs based on IDNs
- alphabetical   (as a last resort)
Melbourne IT (19 Aug. 2012)

3. Include a statement describing the level of importance that the order of evaluation and delegation has for your application.

.SCB--As the applicant for .SCB, we prefer to be evaluated and delegated as soon as possible. The Brand TLD (like .SCB) should be an easier one to evaluate. The order of evaluation and delegation is very important to us as we are very serious in using the applied TLD and are the largest market-cap bank in Thailand. The applied TLD has been considered for various downstream strategies, processes and activities for us, Thai people and other people in the world. *T.M. Mahatham (13 Aug. 2012)*

.MTR--It is of utmost importance that our application be evaluated simultaneously with others and have the Initial Evaluation results released also at the same time with others. "MTR" is an established, well-recognized trademark of MTR Corporation Limited and it is important and equitable for .MTR to be delegated at the first phase of the one-year time frame after the release of the Initial Evaluation results. *HKIRC (16 Aug. 2012).*

.XEROX, .FUJIXEROX. Xerox applied for .xerox and .fujixerox and believes a neutral, transparent, FIFO process levels the field between brand owners and those companies who applied for new gTLDs purely for profit. Our gTLDs were an investment in the future of Xerox and Fuji Xerox, and like many companies, we want to leverage the advantages of our new gTLDs as soon as possible. But since not all applications can get out of the gate first, Xerox wants the entire batching process to be fair and transparent for all applicants. *Xerox (18 Aug. 2012)*

.GAL--Being in the first groups of both evaluation and delegation is basic for the .gal proposal; unlike other commercial domain proposals, it is supported by a huge amount of citizens and entities. ICANN must take into account past frustration in the community that this process was delayed several years before finally being started. If ICANN relegates .gal to the end of the queue of the evaluation or of the delegation, the community will not understand it, especially if other domains of similar type (e.g. other linguistic and cultural communities or for geographical places) are evaluated and implemented on the DNS while .gal continues waiting for Initial Evaluation results. If .gal is approved years after other new, similar domains are live on the net, the Galician community will perceive ICANN as an entity that discriminates against the Galician cultural community without objective reasons. ICANN also must take into account promoting the goal of cultural diversity of the net, opening it up to new users and content. Relegating cultural and linguistic domains would be a direct move against these goals. *Asociacion puntoGAL (13 Aug. 2012).*

Geo-TLDs. Early approval of Geo-TLDs, which are well-accepted and popular new gTLD strings, is likely to contribute to a maximum economic and political success of the new gTLD program and ICANN's reputation as well. *Cowbell Group (13 Aug. 2012); R. Schwartzberg (16 Aug. 2012); Geographical Names gTLD Applicants (16 & 19 Aug. 2012)*

.VLAANDEREN AND .BRUSSELS. A lot of valuable time already has been lost; we would like to see that ICANN puts a particular focus on not creating any further delays with the delegation process for new gTLD' s. For both our applications (.vlaanderen and .brussels) time is becoming a crucial element. The order of evaluation is important but less critical than the ultimate timing for delegation of the extensions. Both the Flemish and Brussels Governments have already indicated that the start of the registrations (or at least the sunrise phase) should begin before the end of Q1 2014. *P. DuBois (17 Aug. 2012)*

.LAT. Our '.lat' application is a non-profit initiative targeted to the worldwide "latino" community, with intent to provide them with an option to establish a cultural identity in the Internet. Two not-for-profit entities of the Latin American region have partnered to present this application, and market development plans and resources have been in place for quite some time, awaiting the opportunity to launch. Since this is a "genuine" initiative, and not a speculative one - the '.lat' gTLD will definitely pursue and fill the market niche as described in the application, and not seek a buyer once delegated - it is obviously of great importance that it completes all stages of the process in the shortest possible time. *ECOM-LAC (18 Aug. 2012)*

Chinese geoTLDs.Yuwei is the applicant for four Chinese geographical TLDs and a new entrant in ICANN community. Yuwei will benefit if geoTLDs are given priority. In terms of business planning an

early approval of Geo-TLDs is likely to contribute to a maximum economic and political success of the New gTLD program and ICANN's reputation as well. And Yuwei is convinced that putting IDNs and geographic names in a preferential position will not only substantially support the Internet development in developing countries, but also manifest the true value of ICANN. *Yuwei (19 Aug. 2012)*

.BERLIN--Since .berlin is the most known and popular new gTLD and is seen as "the mother of all New gTLDs" it would be welcome for everybody including ICANN to see .berlin as one of the first gTLDs going live. In terms of business planning, an early approval of .berlin would for sure contribute to a maximum economic success as well. *dotBerlin (19 Aug. 2012)*

IDNs-Asia. Zodiac has applied for multiple applications, including several Chinese IDN strings and ASCII strings. Hence Zodiac is totally aware of the effect of the approach will have on its applications.
As an applicant deeply rooted in Asia, Zodiac has seen the Internet users in the region have been served properly in terms of the usage of the domain names in their own languages. As an IDN expert, the founder of Zodiac, Mr. James Seng has been devoted in the IDN technology and its adoption of IDN for over a decade. After ten years of waiting and two rounds of missed opportunity for IDNs in the ICANN community, Zodiac strongly believes that it is high time IDN be given the priority to go ahead in the round and Zodiac would like to propose abovementioned approach to process for the sake of the IDN and its missed decade. *Zodiac (19 Aug. 2012)*

Earliest point in time delegation. We and our clients are not sensitive to the order of evaluation and delegation, so regardless of other TLDs being delegated earlier or later than ours, what we value is delegation at the earliest point in time. To clarify, between a scenario where other TLDs are delegated in February and ours in July, and a scenario where ours are delegated in October and others in December, we prefer the former. *R. Kuhl (17 Aug. 2012)*

Sequencing. Sequencing is extremely important to Donuts and we believe to the success of the gTLD program. *Donuts (18 Aug. 2012)*

Delegation Timing. The order of evaluation, and, most notably, the prior decision to publish the evaluations in randomly-selected "batches" affected mostly "fairness among applicants" more than any other financial, operational or other long-term consideration. Evaluation is just one step on the process of becoming operational. The delegation point at which the TLD can start operations is what counts.
--On the Initial Evaluation side, we consider that a) ICANN should proceed as quickly as possible; b) should avoid artificial delays, such as holding for too long evaluated applications and c) if the preceding point advises early publication of a part of the Evaluation Reports, follow the criteria explained above.
--The moment at which delegation happens is relevant to all applicants, with some distinctions. For a number, but not certainly not all, so-called Exclusive Use TLDs (or Brand TLDs or any other term referring to TLDs not open to third party registrations) the critical point seems to be fairness, in competitive terms: most of the applicants falling within this category we have consulted firmly express that not being significantly delayed with regard to other TLDs in the same industry, sector,

area etc., is much more relevant than the concrete moment. On the contrary, for most open-to-third-party-registrations TLDs time is of the essence. And while we acknowledge that this is true for most (perhaps with the partial exception of portfolio applicants), it is especially relevant to community-based TLDs. Most of them have been relying for years upon the work of volunteers, and due to its structure cannot have access to external funding. Both clarity and celerity as to when they will be able to start the registry operations is critical for this subgroup.
--But not adding further delays, after all these years, is of the utmost importance to most of the applicants.
CORE (19 Aug. 2012)

Timing is critically important. The order of application evaluation and gTLD delegation is of critical importance to each of our 26 TLDs. Each of our applications specifies our intention to operate the associated gTLD as an open name space with the expectation of broad usage by many different registrants. Therefore our gTLDs will be subject to the broadest range of competitive pressure from existing and new gTLDs. Time-to-market, sequencing relative to competitive gTLDs and visibility into timing are paramount to the successful launch and development of our gTLDs. *United TLD (19 Aug. 2012)*

Varying Degrees of Importance. Melbourne IT is not an applicant for a new gTLD, but has provided consulting advice for 146 applications. The level of importance of evaluation order and delegation varies by customer. Some customers wish to gain a competitive advantage in the market by launching their new gTLDs as early as possible, while other customers may be happy to take their time to prepare their launch plans by evaluating the approaches successfully used by other gTLD operators and their level of commercial success. A priority for most customers will be certainty that their application has been accepted, but there is likely to be more variability with respect to when customers want to go live with their new gTLD.   Thus customers will want to secure a signed registry agreement with ICANN as soon as possible. *Melbourne IT (19 Aug. 2012)*

OTHER COMMENTS

Opposition to timetable. ICANN has both the capability and the responsibility to do much, much better than the timetable published on August 17th. It is our belief that ICANN significantly misread the sentiment behind "one large batch" in Prague. It was far from a consensus point of view, and where it was espoused, it was with a strong expectation that ICANN would realize massive efficiencies from a far more homogenous applicant pool than anyone expected. Nobody dreamed that a timetable would come back where initial evaluation results wouldn't be published until more than a year after the application window closed. The community is shocked by your timetable. *United TLD (19 Aug. 2012)*

Relaunch digital archery. Strongly recommend an alternative form of digital archery--i.e., iron out the glitches and relaunch the process; otherwise the competitive extensions will be caught in court battles for years. Consider using digital archery providers who were not in existence when the digital archery process was developed and announced. There are several digital archery providers prepared

to assist with the process (as contractors) to assure that it is consistent and uniform. *Domain Ventures (30 July 2012)*

<u>Abandonment of digital archery</u>.
Digital archery is flawed with apparent errors in the ICANN system, lack of transparency and accountability, and unfairness of the process. *Minds + Machines (18 Aug. 2012); PointQuebec (18 Aug. 2012)*

<u>Digital archery should be replaced with fairness</u> (i.e., CORE proposal prepared and circulated prior to the Prague meeting: <u>Proposal</u>--separate evaluation tracks for Exclusive Use and Third Party Use TLDs; take into account public interest and fairness; use continuous rollover instead of stop and go batches; acknowledge the simplified nature of many evaluation parts for Exclusive Use TLDs). *CORE (19 Aug. 2012)*

<u>Transparency and accountability--publication of input</u>. The announcement inviting public input did not mention publication. A link needs to be provided to allow input to be viewable (input published immediately upon receipt); this is a basic requirement for transparency and accountability. *W. Staub (31 July 2012); K. Rosette (30 July 2012); Bourne HZ (2 Aug. 2012); J. Prendergast (3 Aug. 2012)*

<u>Flawed and premature consultative process</u>. This consultative process is destined to fail; the likely result will be a top down staff-authored proposal/solution prepared to meet the pending deadline for briefing materials in connection with ICANN's Board retreat, not a bottom up consultative process based on facts and taking into account the full diversity of stakeholder views.
- The consultative process is premature, and the community has been asked to provide proposals but has not been provided the necessary metrics to make informed proposals. Questions need to be answered first.
- Has ICANN obtained from the GAC any global public interest concerns which it believes need to be advanced/protected in connection with any batching/metering proposal (e.g. geographic distribution of applications from each of the 5 ICANN regions); how many delegations into the root can the U.S. government handle on a weekly basis? Will ICANN require every standard application to undergo complete pre-delegation testing or will there be some type of expedited testing for established backend providers which have already completed this testing, or will ICANN require certain applicants and backend registry operators to undergo the same testing hundreds of times? How many delegations per week can the more popular backend registry operators handle?
- The NTAG has proposed a number of constructive ideas to increase efficiencies of processing applications. ICANN's decision to adopt some or all of these proposals (pre-delegation testing, pre-approval contractual negotiations, etc.) would have a direct impact on the rate limiting considerations.

M. Palage (18 Aug. 2012)

<u>"Generic" domains should be reserved for non-profit groups</u>. Large companies should not be allowed to control generic domains (e.g., Amazon does not need or deserve ". (e) book(s)" and it would be unfair to let them have it). *T. Morgan (6 Aug. 2012)*

Current IDN gTLD holder rights. I also hope that the rights of current IDN gTLD holders (.com/.net/.org) are protected in respect to owning geo/single character/keyword domains/etc. Some of these domains have been registered and held onto since 2000. *S. Ashouri (9 Aug. 2012)*

Support for .koeln and .cologne. The city of Cologne and its 1 million inhabitants supports the application submitted by Netcologne Gesellschaft für Telekommunikation mbH for the top-level domains .koeln and .cologne. Both domains should be operated on our behalf as international communities with public interests. *Stadt Koln (17 Aug. 2012)*

Support for ICANN and new gTLD program. ICANN welcomes anyone with a modicum of interest in the new gTLD process, takes their views seriously and goes to great lengths to balance concerns of all stakeholders. ICANN manages itself in a transparent and responsible manner. *G. Minardos (17 Aug. 2012).*

Move new gTLD process forward and avoid additional delays. NTAG agrees on the theme that it is important for ICANN to continue to move the new gTLD process forward and avoid additional delays. It is important to note that NTAG is offering suggestions that work within the established framework of the Applicant Guidebook to ensure timely, equitable and consistent next steps. NTAG would welcome the opportunity to meet with ICANN to discuss these concepts further. *NTAG (18 Aug. 2012); United TLD (19 Aug. 2012)*

Refund of application fees. ICANN has repeatedly stated that application fees are constituted from cost recovery of the gTLD program, costs for auctions/objections and a reserve. According to ICANN the costs associated with the gTLD program and according to ICANN's financial plan were 25.000.000 USD. Dividing these costs through the 1930 applications, each applicant would have to pay 12.953 USD instead of USD 50.000 to achieve cost recovery for ICANN. Therefore we expect to receive a refund which would according to our calculation amount to 37.046 USD per application. *M. Pfeifer (19 Aug. 2012); K. Ohmer (19 Aug. 2012)*